

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.*
ROSEMARIE HENNESSEY,

Plaintiffs,
-against-

DR. VIKAS DESAI, et al.,

Defendants.

FEB 11 2016
IN CIVIL DIVISION
U.S. DISTRICT COURT FOR E.D.N.Y.

★ AUG 12 2015 ★

FILED UNDER SEAL U.S. ATTORNEY'S OFFICE

THE UNITED STATES' NOTICE
OF ELECTION TO INTERVENE

No. 10-cv-3851 (Wexler, J.)

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States of America, acting through the United States Department of Justice and on behalf of the Office of Inspector General of the Department of Health and Human Services and the Office of Personnel Management (collectively the "United States"), hereby notifies the Court of its intention to intervene and proceed with this action as against the defendants Vikas Desai, M.D., individually and as president and owner of East Islip Family Care, Edmund Ross, M.D.¹ and Robert Maccone, M.D. ("Settling Defendants").

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon it; the United States also requests that orders issued by the Court be sent to the United States Attorney's Office. The United States reserves its right to order any deposition transcripts and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that the relator's Complaint, this Notice, relator's Voluntary Dismissal with respect to non-settling defendants, filed contemporaneously

¹ Dr. Ross is deceased. However, Dr. Desai is settling claims that were billed to Medicare by Dr. Ross under East Islip Family Care's Provider Identification Number ("PIN").

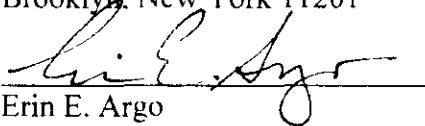
herewith, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: Brooklyn, New York
August 12, 2015

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